

CHARTER REVIEW BOARD
SEPTEMBER 24, 2007

1. ROLL CALL

The meeting was called to order at 6:38 p.m. Present at the meeting were Chair John Stevens (arrived at 6:43 p.m.), Vice Chair Judy Paul, Ray Adkins, Tom Green, Scott McLaughlin (arrived at 6:50 p.m.), Douglas Notman (arrived at 6:46 p.m.), Howard Rechtman, Scott Spages and Harry Venis. Also present were Town Clerk Muniz, Town Attorney Rayson, and Secretary Lorraine Robinson recording the meeting. Julie Aitken was absent.

2. APPROVAL OF MINUTES – August 29, 2007

Mr. Green requested that the last sentence of paragraph three under Section 3.1 attributed to him be removed.

Mr. Spages made a motion, seconded by Mr. Rechtman, to approve the minutes of August 29, 2007 as amended. In a voice vote, with Ms. Aitkin, Mr. McLaughlin, Mr. Notman and Chair Stevens being absent, all voted in favor. (Motion carried 6 - 0)

Vice Chair Paul made a motion, seconded by Mr. Spages, to add an agenda item regarding November elections, and an agenda item regarding Police and Fire Chief hiring selection recommendations from Mr. Starkey. In a voice vote, with Ms. Aitkin, Mr. McLaughlin and Mr. Notman being absent, all voted in favor. (Motion carried 7 – 0)

3. OLD BUSINESS

3.1 Review of Charter

There were no comments and/or suggestions made.

3.2 November Elections

Mr. Muniz addressed the Board with his report on how local municipal governments changed from March to November elections. He provided copies of the individual municipalities' ordinances.

Mr. Rayson stated that he had reviewed the report and felt the largest problem would be getting the change done in time. He said all the municipalities researched had extended the terms of the elected officials by eight months. Most had combined four-year terms with the November elections, and no terms had been cut short. Mr. Rayson said some had included salary increases in the ordinance as well.

Chair Stevens said he had researched the possibility of extending two terms and reducing two terms. It was possible, but there was a lengthy list of compliance items and it would be difficult to reduce some and extend others because that was not equal treatment.

Mr. Green said that it would be possible to hold the March 2009 elections as usual, and allow that term to run to November 2012; then everyone would get an additional eight months. Mr. Rayson noted that this Charter amendment could then wait for the March 2009 ballot.

Chair Stevens was concerned about the effective date. Mr. Rayson advised that State law addressed that and directed the Board to the copy of House Bill No. 1401 which was included in their packet. In Section 5, it stated that municipalities may extend or reduce terms by eight months. In Section 6, it provided that any change in election date would not be effective until at least 18 months after Council approved the ordinance. Mr. Rayson said it would be best to wait until the 2010 election.

Mr. Rayson stated that the Board should not consider changing elections as a cost-saving measure and indicated that, it should be based on what they felt was best for the Town.

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Vice Chair Paul made a motion, seconded by Mr. Green, to approve a package including four-year terms, with elections in November, with the terms of those elected in March 2009 extended eight months, and the terms of those elected in 2010 extended eight months.

In a roll call vote, vote was as follows: Chair Stevens – no; Vice Chair Paul – yes; Mr. Adkins – yes; Ms. Aitken – absent; Mr. Green – yes; Mr. McLaughlin – yes; Mr. Notman – no; Mr. Rechtman – no; Mr. Spages – no; Mr. Venis – yes. (Motion carried 5 – 4)

3.3 Police and Fire Chief Hiring Selection Recommendations

Mr. Muniz presented Board members with a report he had compiled based on information obtained from other Broward County municipalities. He noted that only the City of Lighthouse Point utilized a citizen selection committee for hiring the police and/or fire chief positions. Regarding disciplinary actions and/or terminations of these positions, Mr. Muniz reported that it was primarily the city managers who were responsible for this, and in some cases, the City Commission as well.

Jerry Starkey reported that out of 26 cities surveyed, 14 of them were serviced by the Broward Sheriff's Office. He thought the Town Clerk's Office should have conducted research outside of Broward County. Mr. Starkey described the process utilized by the State of Massachusetts, which included a written test and a selection committee. He stated that in the City of Sunrise, these positions were appointed by the City Commission. Mr. Starkey said that the International Association of Chiefs of Police was sending information directly to Town Hall.

Mr. Venis described the process used to select Police Chief John George. He said a committee was created and consisted of 10 individuals including law-enforcement, union representatives and business leaders. The panel had ranked the candidates and the candidates had given oral presentations. The committee had provided a short list to the Town Administrator which was used to hire Chief George. Mr. Venis stated that the process had taken months. Mr. Notman pointed out that this had not been in the Charter at that time, so nothing would prevent the Town Administrator or Council from doing that again.

Mr. McLaughlin felt utilizing a citizen selection committee was great, but administratively, one person must be in charge. He thought that this process would remove authority from the Town Administrator. Mr. McLaughlin suggested that this could be left out of the Charter and given as a recommendation to Council to institute if they wished.

Mr. Rechtman felt that key positions must be protected. He pointed out that Fire Chief Don DiPetrillo had done nothing wrong prior to being terminated. Mr. Rechtman was worried about the ramifications being without a fire chief during hurricane season.

Vice Chair Paul did not object to making a recommendation that a citizen selection committee be utilized as a matter of policy, but believed in maintaining the Town Administrator's responsibilities as they were.

Mr. Spages did not want the Mayor and Councilmembers to have immunity from hiring those positions when they were up for re-election, as he wanted them to bear some accountability.

Mr. Notman pointed out that the last time a police chief was hired, Council had voluntarily elected to use a selection committee and the Town Administrator had made his decision from the short list presented. He did not feel that this was an erosion of the Town Administrator's authority and could, in fact, prevent the sort of occurrence with the recent firing of the fire chief.

Mr. Rechtman said this Board could make separate recommendations regarding hiring and termination of these positions. He read language he created regarding termination: "The termination of the police and fire chiefs: the Town Administrator shall not have the sole authority to terminate the police chief and the fire chief without approval of the Town Council by simple majority vote. The Town

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Administrator shall make recommendations in open forum for the termination of the police chief and the fire chief, and the Town Council shall have the final decision-making authority.”

Chair Stevens passed the gavel and made a motion, seconded by Mr. Rechtman, to amend the Charter to include the following: Should there be a vacancy in the position of Police and/or Fire Departments, a police and/or fire chief selection committee shall be appointed which shall be comprised of two residents appointed by each Councilmember and the Mayor, and two members of either the Police or Fire Department depending on which office is open; the committee shall review each application and submit a minimum of the top three candidates to the Town Manager who shall then hire either position from the minimum of the three choices.

Mr. Green wanted to use a word other than “selection.” Chair Stevens made a motion, seconded by Mr. Rechtman, to amend his motion with “nominating committee.”

Mr. Venice asked Mr. Rayson if creating an ordinance would be the same as including it in the Charter. Mr. Rayson said an ordinance would be violative of the current Charter.

Mr. McLaughlin suggested that the short list could consist of more than three candidates, and suggested altering language to indicate “a minimum of three.” Chair Stevens and Mr. Rechtman agreed to this amendment.

Mr. Spages called the question to end the discussion and vote on the motion. In a voice vote, with Ms. Aitkin absent, all voted in favor. (Motion carried 9 – 0)

In a roll call vote, vote was as follows: Chair Stevens – yes; Vice Chair Paul – yes; Mr. Adkins – no; Ms. Aitken – absent; Mr. Green – yes; Mr. McLaughlin – no; Mr. Notman – yes; Mr. Rechtman – yes; Mr. Spages – yes; Mr. Venis - yes. (Motion carried 7 - 2)

Mr. Rechtman made a motion, seconded by Mr. Spages, recommending that the Charter be amended with the following language regarding the termination of the police or fire chief: the Town Administrator shall not have the sole authority to terminate the police chief or fire chief without the approval of the Town Council by simple majority vote. The Town Administrator shall make recommendations in open forum for the termination of the police or fire chief and the Town Council shall have the final decision-making authority.

Mr. Green felt that taking the right to terminate an employee from the Town Administrator was a very bad thing. He believed that utilizing a more elaborate hiring process would eliminate some of the reasons one of the chiefs might be fired.

Mr. Notman stated that the Town could have found itself in an unfortunate circumstance had former Town Administrator Chris Kovanes unilaterally removed the police chief, had Mr. Kovanes suspected he was under investigation. He added that this would have presented a full constitutional crisis. Mr. Notman felt that this motion was one more process the Town could add to its system of checks and balances to keep everyone honest.

Mr. Spages said what scared him the most regarding the recent firings, was that it was clear there were a couple of Councilmembers involved in that firing, while others were not. He added that this would make it clear that all Council should be involved.

Councilmember Luis said he was one of the Councilmembers totally unaware prior to the recent firings. He said he might not have liked what occurred, but warned that the Board may be going down a road toward a hybrid form of government, and he felt this was problematic. He said if the Board wanted to entertain going to a strong mayor form of government, he would probably support that.

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Mr. Spages remarked that it had been brought up a number of times that Council could fire the Town Administrator if they wished. He said this had occurred and felt this did not make for a stable government. Mr. Spages believed this would be a way for a new Town Administrator to avoid doing something foolish that could lead to his own termination.

In a roll call vote, vote was as follows: Chair Stevens – yes; Vice Chair Paul – no; Mr. Adkins – no; Ms. Aitken – absent; Mr. Green – no; Mr. McLaughlin – yes; Mr. Notman – yes; Mr. Rechtman – yes; Mr. Spages – yes; Mr. Venis - no. (Motion carried 5 - 4)

4. NEW BUSINESS

There were no comments and/or suggestions made.

5. MEETING SCHEDULE

5.1 Scheduling For Next Meeting

Vice Chair Paul made a motion, seconded by Mr. Green, to hold their next meeting on October 2, 2007 at 6:30 p.m. In a voice vote, with Ms. Aitkin being absent, all voted in favor. (Motion carried 9 – 0)

5.2 Scheduling For Joint Workshop

The Board discussed their meeting schedule and tentatively scheduled the joint workshop for October 15th or October 17th.

6. AGENDA ITEMS FOR NEXT MEETING

The Board discussed placing the following item on the October 2nd agenda:

- Review of Charter and Board Actions

7. COUNCILMEMBER COMMENTS AND/OR SUGGESTIONS

There were no comments and/or suggestions made.

8. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 7:58 p.m.

Date Approved: _____

Chair/Board Member